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# BROOKLYN FERRIES.

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# Union Ferry Company of Brooklyn.

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PROCEEDINGS AND TESTIMONY

AND THE

REMARKS THEREON

BY

MR. BENJ. D. SILLIMAN,

*Counsel of the Company,*

BEFORE THE

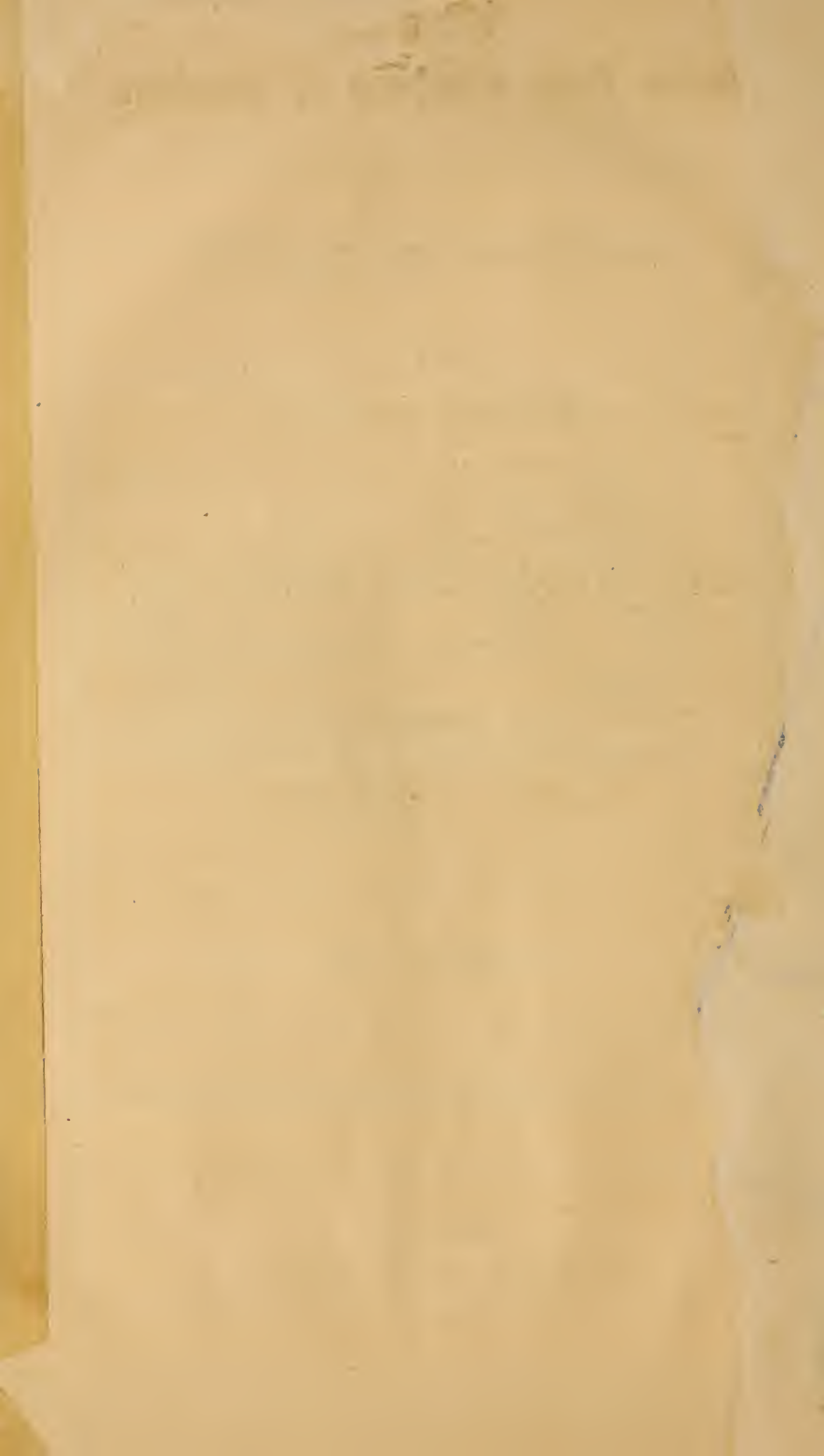
COMMITTEE OF THE ASSEMBLY.

FEBRUARY, 1867.

BROOKLYN:

The Union Steam Presses.

1867.



## NOTE.

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DURING the latter part of January, 1867, the winter was unusually severe, and the river was more full of ice than for many years. The boats of the UNION FERRY COMPANY were consequently impeded, and their trips, on some occasions during a short period, less regular, frequent, and rapid than at other times.

Some of the New-York newspapers made this the occasion for a series of attacks on the Company, charging them with disregard of the public convenience, alleging that their steamboats were insufficient, badly managed, and unsafe, and representing the Company as utterly indifferent to and failing in their duty. These attacks were so repeated, and so extreme in their language and imputations, that (the Legislature being then in session) the following preamble and resolution were adopted in the Assembly on the 5th of February, 1867 :

*“ On motion of Mr. Creamer :*

*“ Whereas,* The citizens of New-York and Brooklyn, who are daily passing over the ferries plying between their respective cities, are at the present time suffering great inconvenience upon account of the inadequate accommodation furnished by the different ferry companies :

*“ Resolved,* That the Committee on Commerce and Navigation be authorized and directed to immediately investigate the present system of ferriage on the East and North rivers at the city of New-York, and that they report at an early day to this house a bill compelling the ferry companies to afford better security and protection to the public.”

The Committee, consisting of Messrs. Oakey, Wendover, Barker, Maxwell, Mead, Travis, and Briggs, came to New-York, and gave public notice that they would attend at the City Hall in Brooklyn, on the 6th of February, to receive complaints and evidence on the subject of their mission. They held such meetings on the 6th and 7th, and an adjourned meeting at the Astor House on the 9th of February.

On the latter day the affidavits hereinafter contained were presented in behalf of the *Union Ferry Company*, and the following remarks on the whole case were thereafter submitted to the Committee by Mr. BENJ. D. SILLIMAN, the counsel of the Company :



MR. CHAIRMAN AND GENTLEMEN OF THE COMMITTEE :

It would not be easy to exaggerate the importance of the ferries between Brooklyn and New-York, which places are virtually one city, divided by the East River, across which the ferries are but continuous streets from one part to the other. Over the five ferries conducted by the Union Ferry Company, (the *Catharine*, *Fulton*, *Wall*, *South*, and *Hamilton Avenue*,) the passages made by individuals in a year, are estimated at FORTY MILLIONS—a number equal to, or larger than, the whole population of the United States.

But this is the amount of transit on only five out of the twenty-two ferries to and from the city of New-York. When you add the number of those who cross on the other ferries from the Eastern District of Brooklyn, (*Williamsburgh*,) *Hoboken*, *Jersey City*, *Staten Island*, *Hunter's Point*, *Hell Gate*, and other places in the vicinity, the aggregate becomes indeed formidable; and their proper accommodation and the security of their lives certainly require every adequate provision within the power of the managers of the ferries.

It is under a full sense of their duty in these respects, and of the magnitude of their trust, that the Managers of the *Union Ferry Company* have at all times acted. As citizens of Brooklyn, very deeply interested in its welfare, they have every motive to do their work well. Not one of them has even the inducement of personal profit to forego any expense that can conduce to these results. The fifteen Directors hold less than \$25,000 out of the \$800,000 constituting the capital. Except the President, Managing Director, Treasurer, Cashier, and Auditor, none of them receive salaries; and the whole amount paid to those officers is \$14,495—a moderate sum certainly, considering the interests under their charge.

Several of the Directors have been engaged in the management of the ferries for more than thirty years, and therefore have the advantage of that long experience in whatever relates to the best modes of performing their trust.

During that period Brooklyn, from a place of about 25,000 inhabitants, has become the third city in the United States, with a population of some 350,000. The assessed value of its real estate has increased from about \$30,000,000 to \$113,000,000. These results hardly prove the statement by one of the complainants, that the mismanagement by this Company of its ferries had greatly diminished the value of the property of Brooklyn.

It is not in a boastful spirit that we would ask, Where—in what part of the world—are there ferries better conducted—which give ampler facilities or more entire safety? Travelers from abroad pronounce them unequaled. It is not necessary for us to claim such praise, but we may safely ask, Where are there better?

You are aware, gentlemen, that these ferries are across a rapid stream, the tides of which run at the rate of from four to five miles per hour, and that they are sometimes, though seldom, impeded for a short period by ice, in winters of unusual severity.

During a few days of the recent intensely cold weather, the regularity of the trips of the boats was part of the time interrupted by the almost unprecedented amount of heavy ice which filled the river, and, on the flood tide, floated across the track of the boats. Nature set her ban, during this short time, not upon the passage of the boats, but upon the pendulum-like regularity with which they are accustomed to cross the stream; and, as a necessary consequence, the number of persons waiting at the landing-places during this hinderance was, on a few occasions, much increased, and the boats crowded when they made their passages. The weather was exceptional in its severity, but (with its potential agents of snow and ice) it made little discrimination in its dealings with the various modes of public conveyance, whether by land or water. The steamers which ply through Long Island Sound were unable to pass Throg's Neck, by reason of the ice. The city railroad cars of New-York and Brooklyn—the omnibuses—and the steam railroad lines in the country, were all seriously impeded, and travel on some of them, for a time, entirely suspended.



The great mass of persons accustomed to pass from the lower to the upper parts of New-York by omnibuses and the city cars, were greatly hindered and delayed, or obliged to walk the whole distance, with a resulting loss of time quite equal in the aggregate, it is believed, to that incurred by those who were delayed a few times, during a few days, by the ice, *on the flood tide*,\* at the ferries.

Simultaneously with this severe weather certain writers in one or two of the New-York (not Brooklyn) newspapers were seized with a *ferry-phobia*, which disclosed itself in fierce philippics, not against the thermometer and the ice, but against the *Union Ferry Company*, chiefly because it was thus interfered with and interrupted by the thermometer and the ice. No "bill of particulars" was put forth, but the charges (beyond those dependent on the weather) were, for the most part, vague and violent. They were mainly to the effect that the boats of this Company were poor, unsuitable for their purpose, badly kept and badly managed; that the ice was a pretext for delaying their trips, and that they were greatly overcrowded when they did run; that the Company were indifferent to the necessities, comfort, and safety of passengers, and that their own emolument was their chief aim.

It is to be noted that the press of Brooklyn—able, independent, vigilant, and earnest in regard to every thing affecting the interests and convenience of our city and its inhabitants, and certainly not less well-informed as to both than their cotemporaries in New-York—found no cause to complain of the management of these ferries, or to charge to them as delinquencies the unavoidable impediments resulting from the very unusual flow of ice. The New-York papers, however, in their championship of Brooklyn people and interests, became so continuously eloquent over the wrongs of those whose daily path lay across the river, that this honorable Committee were delegated by the Assembly to lay aside their other legislative duties, to leave the capi-

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\* The difficulty from ice (in the few winters when it does occur) exists only on the *flood tides*. It becomes so broken up that little trouble is caused by it on the ebb tides.

tal, and come specially to the seat of the alleged outrages by the *Union Ferry Company*, and determine what should be done to save the people of Brooklyn.

The Committee came. It was publicly announced that they would hold their session in the City Hall, on the 6th February, at 10 A.M., and all persons were notified then and there to attend, and that their complaints would be heard and heeded.

But though called, they came not. Surely, out of the more than 100,000 who daily cross the ferries of the *Union Ferry Company*, some few hundreds, at least, would appear to state and prove the charges against the Company if they were true. But, save the Committee and the reporters, only two or three persons were in attendance. An Alderman, in the absence of the Mayor, disturbed the solemn silence by "fendering the hospitalities of the city" to the Committee, and (not echoing the imputations against the Company) yet suggested in substance the propriety of inquiry by the Committee, whether any further ferry conveniences and securities were necessary and could be provided.

After this the stillness was broken only by the comments of a gentleman who, in years gone by, had been connected with the management of some of the ferries—a *laudator temporis acti*—who thought the present establishment neither so well conducted as it should be, nor as it was in the good old times of his earlier days. How far he was correct or mistaken, the Committee will be able to determine from the affidavits which we submit on the part of the Company.

AND THUS ENDED THE FIRST DAY'S SESSION.

The Committee patiently determined to give the accusers a second day, to make out at least a *primâ facie* case against the Company. All persons having complaints to make, or facts to state, were again besought by the New-York newspapers to come forward on the next day, and sustain them in the accusations which they had made. This invocation to the highways and hedges resulted in



the presence of five other persons, some of whom knew all about how ferries ought to be managed, (though they had never had any thing to do with ferry management,) knew far more on the subject than they who had been for many years exclusively engaged in the business—and told, in sweeping terms, of the mismanagement of these ferries, and of the mode in which they should be conducted. One or two made suggestions, (in no hostile spirit,) which are abundantly met by the statements contained in the affidavits which we submit.

Such is the grand result, and such the proof of the intemperate, reckless, and reiterated charges by which the Legislature was deceived—by which the interests of Brooklyn were prejudiced, and by which hundreds and hundreds of families, some of whose members daily cross these ferries, were filled with anxiety and alarm.

What facts have been presented by these few persons who have appeared before the Committee? So far as there is even the semblance of any thing inculcating the Company in their statements, the Committee will find the answer in the affidavits which we lay before them. We have not thought it necessary to reply in detail to the loose opinions of landsmen as to the proper mode of steering steamers through ice, or to insinuations of sinister connivance by the Company with the authorities of New-York, for the purpose of paying the large amount of rent for ferry leases—and that the Company contrives to pay largesses to its friends—nor to vindicate the citizens of Brooklyn from the charge that, when no boat was running on the Wall Street Ferry, 2000 or 3000 persons were so witless as to stand there, in the cold, because no Director or officer of the Company advised them to go a few hundred yards to the Fulton Ferry.

The fact that the steamer “Roslyn” was delayed on one of her trips by the ice was certainly made the most of by one of the “witnesses,” but the Committee will find the full answer, if indeed any answer be needed, in the affidavits of *Captain Sanford* and *Captain Luther Smith*.

One of these worthy complainants told the Committee

that he had heard that it was said by somebody that the Company paid double prices in its contracts with favored parties; that it had bought a large property near Sackett and Degraw streets, on which it had one or more warehouses, and had built twenty-four dwelling-houses thereon; and that it had built an iron ferry-house in New-York, at a cost of \$200,000; all which figments will be found duly disposed of by *Mr. Perry's* affidavit.

Another of the gentlemen was disturbed that dainty fingers should come in contact with ferry tickets that had been soiled by the touch of the *profanum vulgus*; but he did not explain why they were more odious to him than the "*filthy* lucre," in the shape of "fractional currency," which he paid to the ferry-master for them. We do not dissent from his objections to tobacco-smoke in the cabin to which smokers are restricted, and if the Legislature see fit to pass a law prohibiting smoking on board ferry-boats, the Company will certainly neither object nor regret it.

One other of the discontented stated that, in some cases, a higher charge is made for trucks or carts on those ferries than on that to Jersey City; but he omitted to mention that the fare for foot-passengers on the latter is one third *higher* than on the former. There is no law, or principle, requiring exact correspondence of the fare, whether for passengers or vehicles, on the two ferries.

The remaining adversary, claiming to be an expert in that he had been engaged on steam-boats, pronounced, *ex cathedra*, that the pilots of the Union Company are not competent for their duties! But it appeared that he knew nothing about the business of ferry pilots, his experience, whatever it was, having been in other navigation.

The peculiar craft of ferry pilotage, and the great excellence of the pilots on these ferries, are not only notorious, but are fully shown in the affidavit of *Captain Luther Smith*. The immateriality and incorrectness of the other opinions expressed by the same person will appear by reference to the affidavits of *Captain Smith*, and the other depositions.

These, I believe, are all the witnesses, if they may be termed such, who have been produced to sustain the charges, or in any other way inculcate the *Union Ferry*

*Company.* What one fact have they proved that even puts us on the defensive? They are not *experts*, and their opinions are therefore worthless;—they made their random statements not under oath, and their utterances therefore do not reach even the form of legal testimony.

On such a failure of proof, the *Union Ferry Company* might well claim a dismissal of the complaint. But they do not wish that result, or a mere verdict of “not guilty.” They desire to present to the Committee such affirmative evidence as will demonstrate the gross injustice of the charges against them.

They especially desire to relieve Brooklyn and Brooklyn interests from the disparagement to which they are subjected by statements so industriously circulated broadcast through certain of the New-York newspapers, that the ferries and their bad management are a very serious objection to residence in Brooklyn, and to the value of its property. Nothing is less true. From the business centre of New-York, Brooklyn is more readily and quickly, and, as will presently be seen, more safely accessible than the upper parts of that city.

I believe it safe to say that the residents of Brooklyn, in reaching their places of business and their homes, are hindered and delayed fewer hours in the course of the year, by ice and fog at the ferries, than the residents of New-York are hindered and delayed by the rain and storms which, so often, more than fill the omnibuses and street cars.

Often for successive years there is no hinderance whatever from ice, and in the severe winters when it does occur, the inconvenience is generally past in a few days.\*

But the Company do not propose to meet the loose and sweeping statements against it by like loose and sweeping replies. They produce, therefore, in answer to the random railings of their accusers, the solemn oaths, the sworn testimony of those who do know that whereof they bear witness. In reply to declamation and insinuations, they give sworn facts and figures. In place of the crude speculations

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\* There has been no material inconvenience since 1857 until this winter.

of uninformed persons, they give sworn evidence of experienced, practical, skillful experts.

The original text for the New-York newspaper clamor was the omission of the boats to run with their accustomed regularity on the few occasions when the ice was impassable on the flood tide. The discourse expanded as the preachers proceeded—*crescit eundo*—until no sin of omission or commission whereof ferry-men or ferry-boats *could* be guilty, remained unimputed to the *Union Ferry Company* and its steamers.

Especially was it charged that, to save the boats from rude contact with, and injury from the ice, they were not run when they could easily have passed through it, and that passengers were thus delayed to promote the economy of the Company.

Such were the assertions. What were the facts?

That the best possible service was rendered during the pressure of the ice is proven by the affidavit of the experienced and intelligent Superintendent of Pilots, *Captain Luther Smith*, who shows that the boats “were run as rapidly and as frequently, and forced through the ice as unsparingly and strongly as was practicable and consistent with the safety of the passengers. The boats did not lie in the slips a minute longer than their usual and regular time when it was practicable to run them out and across.”

It is shown by the affidavit of *Mr. Martin*, the Chief Engineer of the Company, that besides the constant damage to the wheels of the boats, two of their wrought iron shafts were broken by the ice, and that the repair-shop, with its hundred workmen, was kept busy day and night, and on Sundays, in repairing the damages sustained by the boats.

So much for the charge that the boats were delayed for the purpose of saving them from wear and tear.

If it were necessary to adduce testimony as to the extreme severity of the weather, and the unusual quantity of ice, it would be abundantly shown by the other statements contained in these two affidavits.



The allegation that the boats employed on these five ferries are of inferior character and condition, and not adapted to their purpose, is so notoriously incorrect that it may seem superfluous, by formal evidence, to disprove it. They are large, strong, and superior vessels in every respect, and are regarded as models for other establishments.

So strong and powerful are the boats used by this Company that no less than seven of them were required and taken by the Government for war vessels during the rebellion. Heavy batteries were mounted upon them, and they performed important and constant sea service, (*Captain Smith's affidavit.*) The famous "double-enders," built by the Government during the rebellion, resulted from the ample and efficient service rendered by these ferry-boats.\*

The "Somerset" and the "Clinton" were so strong that, after the rebellion was ended, and after they had performed long man-of-war service on the ocean and in the Southern waters, the company repurchased them from the Government, and they are now performing daily duty on the *Fulton Ferry*.

The boats of the company are sixteen in number, of which thirteen are kept constantly running, and three are held in reserve as relief-boats when either of the others needs repairs.

The smallest of them is of 500 tons, and the largest 642 tons. The smallest is 151 feet, and the largest 172 feet long. The medium boats are 163 feet in length.

They have all powerful engines, the smallest having cylinders of 38 inches diameter, and 8 feet stroke. The largest have cylinders of 40 inches diameter and 10 feet stroke. The medium sized boats have cylinders of 38 inches diameter and 9 feet stroke. The power of the smallest boat is twenty per cent greater, and of the larger boats sixty-five per cent greater than that of the *Brooklyn* and *New-York*, which boats one of the complainants supposed to have been of superior power to the boats of the *Union Ferry Company*.

Whenever a new boat has been built, nothing suggested by experience has been omitted that could make it an im-

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\* And were built after the ferry-boats as their models.

provement on those which preceded it. The Company have always given unlimited authority and instructions to render every new boat and its engine as nearly perfect as possible; and no expense has been spared which could conduce to that result.

Among other unusual arrangements for strength is the structure of the sides of the boats of solid timber, placed close together up to the water-line from each end forty feet back toward the middle of the vessel. (Affidavits of *Mr. McFarlan*, the Consulting Engineer, and of *Captain Luther Smith*.)

With these facts before them, the Committee will have little difficulty in deciding whether the unauthenticated, wholesale, charges that the boats of this Company are of an inferior class are true or false.\*

It is to be observed that these large vessels, carrying no cargoes, can well bear the great number of passengers who, at some times, crowd on board them. *Captain Smith* states, in his affidavit, that their tonnage is so great that they can, without difficulty, carry more weight than that of all persons who can stand upon their decks and cabins.

As to *security against fire*, we have the important fact that no difficulty or alarm has ever resulted from that cause in the thirty years of the *Union Ferry Company*, and no special reason is shown for solicitude on that subject now. Nevertheless, no precaution should be, and, as appears by the evidence, none is omitted. It is stated in the affidavit of *Mr. Morton*, the Chief Engineer, that each boat is provided with *Worthington's* powerful steam-pump, throwing five streams, each as large as those thrown by the City fire engines, and each fitted at all times with

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\* In the London "Engineering" Journal of Jan. 18, 1867, in an article on the ferries between Liverpool and Birkenhead, the writer says: \* \* "It is certainly surprising that Liverpool, being in such close communication with America, should not only have done without real, practicable "ferry-boats for foot passengers and carriages of all kinds, but should have "proposed this very day a floating tub to ply on a river like the Mersey." He then proceeds to explain the superior character of the American boats, and gives drawings of those which, as I am informed, are peculiar to the Union Ferry Company.

abundant hose; and that the Company are about applying an additional contrivance which, by the turning of a valve, will instantly drench the interior of the engine-room or midship-house. The *Worthington* engines are of such very unusual power and efficacy, that the ferry-boats are eagerly put in requisition whenever fires occur along the shores or among the shipping.

No stoves are used, but the boats are heated by steam conducted in pipes through the cabins.

They are lighted with gas. Kerosene oil is used in no shape, and as little other oil as possible.

If any rational suggestion of further security against fire can be made, the Company will be glad to profit by it.

No accident has happened from *steam*.

The boilers are regularly examined by United States officials, and are authorized to carry 40 pounds of steam to the square inch, but, in practice, do carry but 25 pounds.

One or two of the complainants (who did not pretend to any practical knowledge on the subject) pronounced very emphatically that iron boats were necessary for the safety of passengers.

Such boats would, however, have very little, if any, advantage in this respect over those now in use, inasmuch as the woodwork of decks, and doors, and cabins, and centre-house, and other portions which could not be of iron, would retain whatever there is of danger from fire. Moreover, after careful investigation of the subject by competent experts, it was ascertained that iron boats would be less practicable and less safe for passengers than those now in use. (*Mr. Perry's affidavit.*)

In this connection I beg to suggest to the Committee, whether any great additional collection of "life preservers" would not diminish rather than increase the security of passengers on the ferries of the *Union Company*.

Where the track of a vessel is over a wide space of unfrequented water, such "preservers" may often be of value. But the five ferries of this Company are all so near together



that each one of the boats is rarely beyond pistol-shot of some other boat, which could therefore reach her in a very few minutes.\* Each boat is provided with a large *steel triangle*, which, struck with an iron rod, emits a sharp, ringing sound, as peculiar as that of a gong, and which is heard at a great distance. The orders to the pilots are, that in case of a triangle being sounded, every boat shall go instantly to the relief of the one giving the signal.† It is hardly possible, therefore, that either fire, leak, or other casualty endangering the boat or her passengers, could reach any extreme point before one or more of the other boats would be alongside for her relief. If, in a panic from any such cause of danger, passengers should seize life-preservers and spring into the water, they would be in greater danger from the other approaching boats than if they remained on board,‡ and such other boats might be thereby prevented from seasonably reaching the one in trouble.

The safety of passengers is the object which, before and beyond, and at the subordination of all others, the Directors aim to make sure, and must make as sure as possible. Such safety has thus far been secured. When it is considered that these ferries, carrying now forty millions of passengers a year, have been run with such care and safety that for more than thirty years, during which they or any of them have been operated, but two persons on board them have received injuries resulting in subsequent loss of life, (and those from causes in no way related to the perils in question;) that during that long period no accident whatever has occurred to any person from fire, or from steam, or

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\* The whole passage on the *Catharine*, *Fulton*, and *Wall Street* ferries is made in about four minutes, on an average, and on the *South* and *Hamilton* in about six to eight.

† These *triangles* are kept as *alarm* signals, and though they have been on the boats for upward of twenty years, not a single occasion has as yet arisen for their use.

‡ The danger would be greater in fog than when clear, because, while the sound of the triangle would indicate the exact position of the disabled boat, the fog would hide the persons in the water from those on the approaching boats until too late to avoid running over them.



from collision\*—it may well be doubted whether it is wise in guarding against *imagined possibilities* of evil, to interfere with a system that has proved so preëminently safe.

It is a palpable truth, that the lives and limbs of passengers on these boats, during the long period referred to, have been safer than in walking through the streets of the city.

Inasmuch as uncertainty pertains to all human things, we can not be certain that no disaster will ever happen. May Heaven avert it! We can only reason as to the future from the experience of the past. It is possible that a boiler may burst and destroy the lives of passengers; it is possible that a boat may be consumed by fire, or may be sunk by a collision, with the like calamitous result. So it is possible that the roofs of the churches may fall in and kill the congregations, and that houses may fall down and crush the passers-by on the sidewalks; but where the churches and the houses have been built at unlimited expense, of the best materials, by the best workmen—have stood firmly for thirty years without falling or cracking, and are regularly examined by skillful architects and found to be in perfect condition—sane people would hardly clamor for their removal and the construction of iron or India-rubber houses in their stead, lest, on the principle that “all things are possible,” their roofs or walls might crack or fall and kill the congregations or the passers on the sidewalks. Tornadoes sometimes prostrate, and earthquakes overturn edifices that have stood securely for long periods of time. But all rational human calculations are made and based, not on the rare and wholly exceptional experiences of mankind, and houses and castles are built and occupied on the presumption that they will not be destroyed by tornadoes or earthquakes.

But the Company regards with careful attention every judicious plan, whenever and however suggested, that can conduce to the safety of those who cross the ferries. Some degree of danger is incident to all modes of traveling. The

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\* Except that one of the two persons above mentioned was injured by the act of a man who willfully ran the bowsprit of a sloop into the ferry-boat, as stated in the affidavit of Mr. Perry.

Company are grateful that those who pass upon these ferries have been thus far so entirely sheltered from harm.

The newspaper assailants of the Company and their wise "witnesses," inspired with knowledge as to the proper management of ferries far exceeding that which the Company have derived from their thirty years' experience, inform us that "ice-boats" should be built and used to "keep the channel open."

How a boat of any kind crossing a current, which is sweeping by with its fields of ice at the rate of four to five miles an hour, can "keep the channel open," passeth understanding. Where a river is frozen over, and the ice is permanent, a channel, once opened, may, if the cold is not too intense, be kept open by the constant agitation of the water by a constantly moving steam-boat; but the sweeping current, across which an "ice-boat" should pass, would close over its track simultaneously with its passage, just as it closes over the track of the present ferry-boats, each of which is a powerful ice-boat.

The long experience of the Directors has proven that no better ice-boats, for the purpose for which they are needed, can be constructed than the steamers now used on these ferries. They are constructed with special reference to ice, as well as to bearing great numbers of passengers and loaded vehicles, to steadiness, and to strength.

Another point, about which these ferry theorists are very sure, is that some new preventives should be added to secure against the "frightful loss of life" resulting from the imprudence of passengers in jumping on and off the boats as they leave or approach the landing-places. The clamor on this point would induce the belief that there is a great mortality of ferry-passengers from this cause.

But what is the truth? The Committee will see by the affidavit of *Mr. Perry* that out of the millions and millions of passengers in over thirty years, but two persons have lost their lives from accident on board the boats. The instances have been very few, not averaging, it is believed, one in a year, where, out of these millions and millions of pas-

sengers, a life has been lost by imprudence in springing on or off the boats. The statistics of all casualties are carefully preserved at the office of the Company, and, as will be seen by the affidavit of *Mr. Perry*, in the last year fourteen persons, in jumping on or off the boats, fell into the river, of whom but one was drowned. In the previous year eleven went, in like manner, into the water, and were all drawn out without damage. *Mr. Perry* further shows that the proportion of such casualties in previous years did not (as is believed) exceed that of the two years cited. (The reason why he was unable at the time to add the exact statistics, in this respect, of previous years, is given in his affidavit.)

It is safe to say, then, that while no lives are lost by fault of the Company or its agents, not one life in a year of the vast multitudes who cross these ferries is lost, even from their own carelessness or imprudence. Why, then, clog the way, and impede the convenience of all, by additional hindering chains and lumbering gates?

In reference to the "loss-of-life" topic, the Committee will be able to judge of the degree of reliance to which the published charges are entitled by perusing an article in the *New-York Times* of February 7th, which, alluding to the lack of witnesses on the first day of the Committee's session, asks: ". . . Can not the police be called upon for their evidence? They know, both as citizens and as officials, what are the evils of crowding, danger at the bridges, etc., of which so much has been heard. They had to rescue people from the broken ice-bridge, and HAVE TAKEN CHARGE OF THE DEAD BODIES, WITHOUT NUMBER, OF FERRY VICTIMS"!!

The persons who spring on and off the boats into the river are not those who would be staid by gates and chains. The rule now is, that on the arrival of a boat at the bridge, the chains are not lowered until the boat is wound up so closely to the bridge that passengers can not fall between it and the boat. The consequence is that, before the chains are lowered, the larger portion of the passengers have stepped over them, and are on their way out of the ferry-gates and up the streets.



The rule of so retaining the chains in place resulted from the charge by a learned judge of the Circuit Court to the jury, (in an action, some years since, against the Company,) that the omission of a chain across the front of the boat until she was thus secured to the bridge, was "carelessness" on the part of the Company. Since that time the Company has maintained such chains accordingly. As an evidence how unwelcome such restraints are to the passengers, it may be mentioned that the same learned judge, a few days after his charge to the jury, on crossing on one of the boats, himself impatiently threw down the chain before the boat was "properly secured," as being a vexatious hindrance.

The only persons who remain on the boat until the chains are lowered are those who would not sooner leave it if no chains were there.

It would be little trouble to the Company to have gates shut across, or *portcullises* lowered upon the bridge at each trip of a boat before it is cast off; but the consequent loss of time in the trips, the inconvenience to passengers, and the injury to their persons which, in their rapid movements, and the necessary suddenness of the movements of the gates would result, would be greater evils than any which could be prevented by their use. As it is, rope gearings are placed in front of each bridge, by which, when any one does fall in, he can readily catch; life-preservers and ladders are kept immediately at hand; and, as has been shown, these means are all but invariably sufficient for the safety of the very few, very careless, or very imprudent, persons for whom alone they are ever needed. The Company, as the result of their experience, are satisfied that the present arrangements are the best for the purpose, are in full proportion to the exigency, and that nothing would be gained by a spring cow-catcher, suggested by one, or a spread-net, suggested by another.

Unless on the approach to, and while on board a ferry-boat, passengers are to shut their eyes and take leave of their common sense, and the carriers are to treat them as idiots, or lunatics, and provide for them not only life-preservers but straight-jackets, to envelop the boats in "board-

“ing-nettings,” and to “call all hands” with pikes to “repel boarders,” as is done in naval battles at sea, no further guards by the Company or the Legislature can be required to protect them against the extreme carelessness or imprudence which can alone cause their stepping into the water.

The Annual Report to the Legislature by the State Engineer of March 6th, 1866, shows that the number of passengers on all the steam railroads of the State, during the preceding year, was 16,215,427; and that the number of passengers, employees, and others killed on those roads during that year was *two hundred and twenty-seven*, and the number injured was *two hundred and seventy-two*.

On the railroads operated by horses, during the same period, there were carried 107,349,507 passengers, and the number of passengers, employees, and others killed, was *thirty*, and of persons injured *sixty-two*.

Thus, where the steam roads, with sixteen millions of passengers, (less than half the number on the ferries,) lose two hundred and twenty-seven lives in one year, these ferries, now carrying forty millions of passengers, have lost two lives in thirty years. Where the horse-car roads, with 107,000,000 passengers, (or somewhat more than double the number of those on these ferries,) lose thirty lives in one year, the ferries lose two lives in thirty years.

If the loss of life on the ferries were in the same proportion as on the steam railroads, there would be some five hundred and sixty killed in one year instead of two in thirty years; and even if we reduce the proportion to that of the horse-cars, there would be some ten or twelve killed each year on the ferry-boats, instead of two in thirty years.

The number of the injured by these boats, if in the same proportion to the steam railroads, would be about 680 in each year; and if in proportion to the horse-cars, about 20.

Such facts as these must not only put an end to the idle clamor and wicked scribblings by which the Company is assailed, but they have the force of mathematical demonstration of the almost absolute security thus far enjoyed by

passengers on these ferries—a *security incomparably beyond that of any other mode of public conveyance.*

Frequent accidents occur from persons attempting to get on or off of railroad cars when in motion, but no sane man thinks of requiring gates to be erected and shut across the steps of the cars before the train is permitted to start, yet the reason for doing so is vastly greater than for gates on the ferry bridges. There is a thousand fold more occasion for constructing cars of India-rubber to secure the safety of passengers, than there is for constructing ferry-boats of iron for the like purpose.

I submit with confidence, gentlemen, that we have shown by the evidence produced to you—

That our boats are not only adequate to the purpose for which they are required, but are of the very strongest, safest, best constructed, and most efficient character; that against the suggested danger of fire, (from which, in the large experience of the Company, the passengers have had neither injury nor alarm,) very careful and complete guards are provided; that against the perils of steam, (from which also in that long experience the passengers have had neither injury nor alarm,) all needed precautions are taken; that the pressure on the boilers is but half that which they can properly carry; that the means of rescuing the very few persons whose imprudence ever “lands them” in the water, are abundant and sufficient; and that instead of special peril being incurred by passengers in crossing the ferries, no other known means of transportation of passengers has been practically attended with so little danger.

As to the number and frequency of the passages of the boats, I will merely refer the Committee to the detailed statement contained in *Captain Smith's affidavit.*

No less than one thousand two hundred and fifty trips are made each day. The boats are run all day and all night on the *Fulton* and *Hamilton Avenue*, (and, in summer, on the *South Ferry*;) and on the others to as late an hour,



and at as early an hour in the morning, as is required by the necessities or convenience of those who have occasion to cross the river upon them.

To any person in the habit of passing on these ferries, a vindication of the pilots from imputation of want of skill, would seem almost ludicrously unnecessary. If there is any class of men whose peculiar skill and efficiency in their calling is not only admitted but proverbial, it is the pilots on these ferries. The almost incredible immunity from accidents which the ferries have enjoyed, during the long period to which I have so often alluded, could result from nothing less than the consummate skill, care, sobriety, and fidelity of these men. Every one who crosses the river, as so many of us do, two or more times daily, will tell you that nothing can exceed the adroitness with which they navigate their large boats, of from five hundred to six hundred tons each, heavily loaded with passengers and vehicles, flitting across the river like shuttles in a weaver's loom; their tracks crossed by other steamers, and often thronged by sailing vessels moving rapidly in opposite directions; with strong ebb or flood tides sweeping laterally against them; encountering baffling eddies and cross tides as they approach the shores; and yet threading their rapid way with unerring certainty and safety. In sunshine and in tempest, in the darkest nights, and in the densest fogs, their vigilance and skill enable all to reach their places of business and their homes unharmed.

But can the case be stated, need it be stated, more strongly than by the simple repetition of the fact that 40,000,000 of passengers are annually carried by them without loss of life or limb?

You will be struck by the statement in *Captain Smith's* affidavit that so rigid are the requirements of the Company, so exacting are they as to the qualifications of the men to fill this most important post, that of all those who are carefully trained on the boats (the best possible school) to qualify them for the position of pilots, not more than one in twenty-five is accepted by the Company.

What sifting is there at Annapolis for the navy, or at West-Point for the army, or in any college — whether academical, medical, or of law—before their graduates are commissioned, to compare with this ?\*

One complaint which has been suggested to the Committee is not without reason. It is that at certain hours the boats on the *Fulton Ferry* are uncomfortably crowded. For the same reason that the other streets are crowded at the same hours these are—at the time when men are going to and returning from their business elsewhere they are doing the same across the ferries. But the difficulty is one that the Company has no present power to remedy or to mitigate. It runs four boats on the *Fulton Ferry*, as rapidly as they can be run, and that number of boats is the largest that can be run. If we had another slip on the New-York side of the river, more boats could be used, which would obviate the present difficulty. The Company have endeavored to obtain from the city of New-York the slip adjoining that at the foot of *Fulton street*, but could not do so, it being leased to other parties. If they can succeed at any time hereafter in securing it, (which they earnestly desire to do), they will lose no time in placing additional boats upon it.

The question has been asked whether the union of the

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\* Captain Smith, since making his affidavit, has furnished to me a more full and exact statement of the length of time that the different pilots on these ferries have served thereon in that capacity.

It is as follows: *John Albertson*, 15 years; *James Baulsir*, 4 years; *John W. Baulsir*, 33 years; *John V. Baulsir*, 15 years; *John Baulsir, Jr.*, 7 years; *John W. Cole*, 15 years; *Oliver Cole*, 10 years; *Andrew Denny*, 20 years; *William Baulsir*, 20 years; *Johnson Carson*, 11 years; *John Cole*, 17 years; *Zeno Devoe*, 2 years; *Peter C. Garrison*, 15 years; *Robert Garrison*, 4 years; *Daniel Jarvis*, 4 years; *Peter Lamb*, 6 years; *James Larkman*, 8 years; *William Lockwood*, 2 years; *William Montross*, 8 years; *William McAllister*, 10 years; *Lewis Males*, 6 years; *Amos Sanford*, 3 years; *Borden Sanford*, 10 years; *Augustus Smith*, 10 years; *George Smith*, 6 years; *Ira Smith*, 13 years; *Henry Studwell*, 20 years; *William A. White*, 15 years; *William White*, 14 years.



five ferries, under the management of one company, is clearly expedient?

It is believed that this arrangement is vital to the prosperity of Brooklyn and indispensable for the convenience of its citizens.

The ferries conducted by the Union Ferry Company are from—

1. *Hamilton Avenue*, Brooklyn, to *Whitehall Slip*, New-York.
2. *South*, (from Atlantic St.,) Brooklyn, to *Whitehall Slip*, New-York.
3. *Montague Street*, " to *Wall Street*, "
4. *Fulton* " " to *Fulton* " "
5. *Main* " " to *Catharine Street*, "

It will not be denied that the people of Brooklyn must be enabled to cross upon each of these ferries at the same price. There is no reason why the man whose daily route is across the *Hamilton Avenue Ferry* should be required to pay more than the man who crosses at *Fulton* street or *Wall* street or at *Catharine* street.

On the contrary, the transit across each of these ferries should, like the passage through the streets themselves, be equally open and free from any difference of expense. Any other rule will operate unequally and unjustly on all those inhabitants of Brooklyn whose pursuits do not lead them to cross the *Fulton Ferry*. That ferry is the only one which more than defrays its expenses from its receipts, and the other four ferries are now sustained by the profits derived from that ferry.

It will be seen from *Mr. Perry's* affidavit that in the last year

|                              |                            |          |
|------------------------------|----------------------------|----------|
| The <i>Hamilton Ferry</i>    | was run at a loss of . . . | \$16,585 |
| " <i>South</i> " " " "       | . . .                      | 25,240   |
| " <i>Wall Street</i> " " " " | . . .                      | 30,579   |
| " <i>Catharine</i> " " " "   | . . .                      | 18,823   |

not including the very large amount of depreciation by wear and tear.

Thus it is plain that the large receipts of the *Fulton Ferry* are absolutely necessary to give to those who use

the other four ferries the means of crossing at the same price.

It is believed that the people of Brooklyn will never consent to a separation of these ferries, which would compel those crossing at other streets than *Fulton*, to pay higher fare than those who cross at that point.

The great depreciation of property which would follow, and the injustice to passengers, can never permit a fare of one cent on the *Fulton Ferry*; the discontinuance (which would necessarily result) of at least two of the others; a fare of three, four, or five cents on the remainder; and the danger which would follow from over-crowding the *Fulton Ferry*. The five ferries must be sustained by the receipts of all, and the deficit in those which can not pay their way must be paid by that from which a surplus is derived. On any other principle the post-offices of the country could not be sustained. This system is vital to the interests of Brooklyn.

*Fulton Street* is, and for ages has been, the great central point for crossing from Long Island to New-York.\* It is the great travel-worn channel. The growth and expansion of Brooklyn have been lateral from *Fulton Street* each way, north and south. The *Fulton Ferry* is short in distance, and being at all times employed to its full capacity, can transport passengers and property at cheaper expense and rates than any other. The travel over this ferry is immensely increased by the construction of the Brooklyn City Railroads, all of which start from and converge at the ferry gates. The termini of most of the New-York City Railroads are nearer to the *Fulton* than to any of the other ferries on the New-York side of the river. As a necessary consequence the proportion of persons crossing at the other ferries is diminished, and their means of self-support are thereby also diminished.

It is plain, therefore, that the union of these ferries is

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\* I have added in an appendix (post p. 43,) as part of the ferry annals of Brooklyn, some historical facts and documents which may interest the curious on such subjects.

indispensable in order that the surplus receipts of the *Fulton Ferry* may be resorted to as the means whereby those who cross at the other four points may do so at the same price, and with equal accommodations.

It is obvious that the discontinuance of any of the other ferries would increase still more unequally the passage over that at Fulton street. If for no different reason than as a relief to the latter, the continuance of the others is important, to say nothing of the convenience of the great numbers of our citizens whose daily errands are across those other ferries.

It need hardly be added that the five ferries united can be conducted at less expense than they could be separately. The repair shops, spare boats, coal depots, materials, and organization of a single company, with its officers and clerks, as a whole, involve much less expenditure than would be required by five different establishments.

The Committee need not be told that the expense of running these ferries is, at present prices of all things used by them, enormous. The Company have refrained from raising the price of passage on them to meet the great increase of expense, and the consequence has been that, (if we allow a dividend of ten per cent to the shareholders,) they have been run at a loss of \$50,000 per annum for the last two years.

The expense of boats such as are now used, is very different from those previously running on the ferries. These large steam vessels cost, at present prices, from \$60,000 to \$70,000 each. Thirteen of them are constantly running, consuming in their thirteen furnaces by day, and part of them by night, very many ship-loads of coal; the ferries requiring in their management, on the most economical system consistent with efficiency, the services of between 300 and 400 men, who are constantly employed as clerks, engineers, pilots, ferry-masters, conductors, gatemen, bridgemen, deck-hands, firemen, watchmen, carpenters, black-

smiths, shipwrights, painters, cartmen, lampmen, laborers, etc., and the Company paying to the city of New-York per annum, for leases, \$103,000 ; and \$20,000 for rents of private slips in New-York and Brooklyn, to say nothing of the great and constant depreciation by wear and tear.

Although the *Union Ferry Company* is, by some of its enemies, termed a *monopoly*, no epithet could be less applicable. If the Company held the *Fulton Ferry* alone, unencumbered by the others, and were receiving and appropriating its great profits to their own use, then the term *monopoly* would not be misapplied. It is, in fact, the converse of a monopoly. Nothing could savor less of a monopoly than the application to the ferry accommodations of other parts of Brooklyn of the profits derived from the only one of the establishments which is lucrative, instead of confining the benefits resulting therefrom to one section or locality.

The management of the ferries under one organization is no more a monopoly than the management of our city streets or other municipal affairs under one city government is a monopoly. If it be a monopoly to run all the five ferries at the lowest fare consistent with their efficiency and safety—to treat their revenues as a common fund, and to apply that fund to the support of all, so that the people in every section shall have their ferry accommodations at the same price—then it is not probable that the citizens of Brooklyn will desire the management of the ferries to be conducted otherwise than under such a monopoly.

The Committee will find the history of the ferries, and their organization under one company, concisely stated in the affidavit of *Mr. Perry*. The names of the Directors are there given. They would not, I am aware, assent to my speaking of them in terms of commendation, but I may safely say that if they have not a deep stake in the prosperity of Brooklyn—if they are not largely interested in maintaining the best, the amplest, and the safest ferry accommodations—if they are not men whose high personal standing, intelligence, experience, and fidelity to duty, can be relied on in



the administration of this great public trust—then our city can furnish none to whom it can be safely confided.

It will be an evil day, indeed, for Brooklyn if the control of these ferries shall, at any time, pass into the hands of speculators or politicians, in place of those by whom they are now conducted.

We have alluded to the large amount of rent paid by the Company to the city of New-York, for leases of the ferries, for the information of the Committee, and not from a desire to disturb any rights of that city. The authority to lease ferry slips is one of its properties, and the burden of paying for such leases falls mainly, and heavily, on the citizens of Brooklyn. If any provision can be legally and justly made by which that right of New-York can be commuted, the interests of Brooklyn will be thereby promoted, and to none of its citizens will such a result be more welcome than to the Directors of this Company.

I have, perhaps, trespassed unduly on your time, gentlemen, by these remarks, but I have been led to do so because the Company has nothing to conceal, and because it welcomes any opportunity to make a full exposition of its affairs, its motives, its policy, and its conduct before a Board of honorable, intelligent, and fair-minded men. It does not expect—it does not ask—(for that would be vain)—candor, fair dealing, or justice from many of those who assail it. Its experience has shown how idle would be such expectation. At one time it has been charged that the Company and its stockholders were receiving enormous profits from those who cross its ferries at one and a half cent passage, and has been therefore denounced as mercenary. In reply, it was shown that the shareholders can not in any contingency receive more than ten per cent for the use and risks of their property ; and that, *by its voluntary agreement, the surplus earnings of the Company beyond ten per cent must be paid as a free gift to the BROOKLYN CITY HOSPITAL.*

Thereupon these same ingenuous, benevolent, fair-minded critics objected, with equal earnestness of reproach, that no

motive existed on the part of the Company and its Directors to run the ferries vigorously and make them profitable, as they would do if they had the inducement of personal gain to impel them.

It is idle to reason with or reply to such people, but to any and every inquiry by this Honorable Committee we desire to give the fullest information that they may seek.

The affidavits we have placed before you, gentlemen, embrace the facts respecting which we understood you to ask a statement. We produced before you each of the deponents who made those affidavits in order that further questions might be put to them on any point respecting which you should seek further information.

If you, at any time, desire their further attendance, they will wait upon you at such time and place as you may designate.

I beg to add the single remark, that in the office of the Secretary of State, at Albany, is filed the annual report of the Directors, showing the amount of the capital stock of the Company paid in, the property and effects of the Company on hand, the debts due from the Company, and the names and places of residence of the stockholders.

## AFFIDAVITS

### SUBMITTED TO THE COMMITTEE OF THE ASSEMBLY ON BEHALF OF THE UNION FERRY COMPANY OF BROOKLYN.

CITY OF BROOKLYN, SS. :

Joseph A. Perry, being sworn, says, that he is the Treasurer and a Director of the Union Ferry Company of Brooklyn; that he has been connected with the ferries between New-York and Brooklyn from 1836 to this time. I was one of the lessees and managers of the South or Atlantic Ferry, which was commenced in 1836, and of which the lease expired in 1839.

The fare was fixed at three cents—the Fulton Ferry then charged four cents. The expenses of the South Ferry greatly exceeded its receipts, and toward the close of the lease it was only sustained by employing one and sometimes two of the three boats in the business of towing vessels. The Wall street and Hamilton avenue Ferries had not then been established.

Finding that the ferry could not pay its expenses from its receipts, a new company was formed, consisting of the Fulton Ferry and the South Ferry. This was the first Union Ferry Company. Under this organization the two ferries were run for five years—from 1839 to 1844—the rate of ferriage being four cents. In May, 1842, it was reduced to three cents, and in February, 1844, to two cents.

Then a new lease was obtained by Messrs. Le Roy and Pierrepont, for seven years—from May, 1844, to 1851—of the *Fulton and South Ferries*. The *Hamilton Avenue Ferry* was run by this new Company at the request of persons interested in the Atlantic Docks, who entered into a formal agreement to indemnify the lessees against any loss from running it. The parties giving this indemnity paid the lessees, for losses in running the ferry, between \$20,000 and \$30,000, as it did not pay its expenses. In November, 1850, the fare was reduced to one cent on the three ferries. The lease expired in 1851, and a new lease was given to the same lessees, from 1851 to 1861, for the Fulton, South, and Hamilton Ferries, with right to the lessees to include other ferries to be established.

In December, 1853, the Wall, Catharine, Roosevelt, and Gouverneur Ferries were purchased and run by the Union Company, and one cent ferriage charged on all of them.

In August, 1854, finding that the receipts would not pay the expenses at one cent fare, it was raised to two cents, and tickets sold at one and a half cents.

The lease of the Gouverneur street Ferry expired in September, 1856, and was not renewed, and the Roosevelt Ferry was sold in 1860, and

is now run between Roosevelt street, in New-York, and Williamsburgh, by another company.

In 1861, on the expiration of the lease above named, a law having been passed requiring ferry leases to be sold by auction, the present Company became the purchasers, at such auction, of the lease of the five ferries now run by it—the Catharine, Fulton, Wall, South, and Hamilton—at an annual rent of \$103,000, payable to the city of New-York.

For two years past, after deducting ten per cent dividends to the stockholders, the Company has run its boats at a loss of \$50,000 per annum. For further particulars as to the liabilities and assets of the Company and the names of the stockholders, deponent respectfully refers to the annual sworn statement of the Company, which is pursuant to law, ("Act to authorize the formation of companies for ferry purposes," passed April 9, 1853, sec. 16,) filed in the office of the Secretary of State, and in the other offices required by law.

The organization of this Company contemplates, by the voluntary agreement of its lessees and stockholders, that it shall not be conducted with a view to speculation, and that it shall not become an object for speculators to obtain the control thereof. It is distinctly provided by the certificate of incorporation that the net profits, over and above paying dividends of ten per cent to stockholders, and the improvement of the ferries, "shall be paid over as a free gift to the Brooklyn City Hospital." Under the various leases, neither the lessees, Directors, nor stockholders, were under any obligation to limit the amount of dividends or profits to be made or retained; and the provision above named for the payment of the surplus to the Hospital was made solely for the purpose of securing a disinterested administration and operation of the ferries for the best interests of the city of Brooklyn and the citizens thereof.

The capital consists of \$800,000, of which amount \$24,300 is held by the fifteen Directors. There are about 550 stockholders, most of whom reside in Suffolk, Queens, and Kings counties.

The names of the Directors are, Cyrus P. Smith, James S. T. Stranahan, Henry E. Pierrepont, Abiel A. Low, Henry R. Worthington, Nathan B. Morse, Walter N. Degraw, Horace B. Clafin, John Blunt, James How, Abraham B. Baylis, Simeon B. Chittenden, Edward Dodge, Charles E. Bill, and Joseph A. Perry.

The Directors meet monthly, as a Board and as an Executive Committee, meet weekly. All the meetings are regular and fully attended.

The Directors receive no salaries, except the President, Managing Director, Treasurer,\* and Auditor—all whose compensation combined amounts to \$14,375.

The number of passages (including those who cross in vehicles) is estimated at about 40,000,000 annually.

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\* Cashier.



During the operation of the ferries, in the period above mentioned of thirty-one years, but two accidents have occurred on board the boats resulting in loss of life—one being the case of a person injured by the willful running of a sloop into the boat by a person having charge of such sloop, and the other the case of a woman who, leaning her arm outside the boat as it passed into the slip, was crushed against the fender. Both these accidents occurred some fifteen years ago, or more.

The rules of the ferry require its employees to report to the office of the Company every case of accident to persons occurring at any of the ferries; and, as deponent believes, all such cases are faithfully so reported. Deponent, owing to the illness and absence from the office of Mr. C. P. Smith, the Managing Director, has not access to all the statistics, which are under his charge, but is able to state that in the year 1865 eleven persons, in jumping on or off the boats, fell into the water, and each of them was saved and drawn out. One person committed suicide, by springing from the boat while she was on the river making her passage.

In 1866 fourteen persons, in jumping on or off the boats, fell into the water, one of whom was drowned, and each of the others was saved. One committed suicide by jumping from the boat while she was on the river making her passage.

To the best of deponent's belief, the proportion of such casualties on any and all the ferries of the Company, in previous years, did not exceed annually the number of those above mentioned. It is believed by the Directors that any of the suggested gates or other restraints, to prevent passengers from going prematurely or unseasonably on or off the boats, would tend to endanger them to a greater degree than they now incur.

The indispensable necessity of a union of the ferries, to enable them to be run with their present accommodations, results from the fact that not one of them pays the expenses of running it except the Fulton, and that the surplus earnings of that ferry are necessary to sustain the others. As an illustration of this, deponent would cite the results of the year's business, ending first of May, 1866. During that year

|  |          |
|--|----------|
| The Hamilton Ferry was run at a loss of..... | \$16,585 |
| “ South “ “ .....                            | 25,240   |
| “ Wall street “ “ .....                      | 30,579   |
| “ Catharine “ “ “ .....                      | 18,823   |

In this result is not included what should be added to it—the amount of depreciation by wear and tear of boats, buildings, and fixtures.

Pending the proceedings before the Committee, an intimation was made that the Company had purchased land with warehouses thereon, and that they had built dwelling-houses thereon, as a speculation. This is not true. The Company, for the purpose of establishing repair

shops and slips for laying up boats, in 1855 bought the property referred to, near Hamilton Avenue Ferry. The houses mentioned were already upon it, and were not built by the Company. It was necessary, in order to get what was needed, to purchase the whole. Owing to the obstruction at that point by the ice in 1857, the Company decided that the place would be unsuitable for the uses intended, and thereupon sold it all, except a part retained for a ferry coal-yard and an additional slip for ferry purposes, and afterward bought the site of the present repair shop, near the South Ferry. No warehouse was on the land when it was either bought or sold by the Company. Deponent says that nothing is less true than that the Company pays for any of its purchases, or contracts a higher price than is absolutely necessary to effect the same. In all its dealings careful economy is studied, and no waste of the property of the Company is in any way permitted, nor is any favoritism with any persons practiced or known in its dealings.

Deponent says that he has been Treasurer of said Company for over twenty years, and has knowledge of all its pecuniary dealings.

Deponent further says that it has been the study of the Company to make every improvement in the ferries that could promote the convenience and safety of the passengers and the facilities for transportation, and that, among other things, the subject of iron instead of wooden boats has been carefully considered; that they caused full examination and inquiry to be made by competent persons, including experts, as to the expediency of substituting such iron vessels, and that the result was the conviction that they would be less practicable and less safe than those now used.

Deponent further says, that during the thirty-one years as to which he has deposed, no person has sustained injury from fire on any of the boats, or from explosion of boilers; that said boats are annually inspected by United States officers, and are by them authorized to carry forty pounds of steam; but they do not, in fact, carry over twenty-five pounds.

Deponent further says, that as to the statement by one of the witnesses to the effect that an iron ferry-house has been built by the Company, at an expense of \$200,000, the facts are simply these, namely:

The Company has built a substantial iron ferry-house at Fulton Ferry, in New-York, the cost of which, including expensive pile foundations, was \$39,334.08. The Company built at Whitehall their only other iron ferry-house, which is for the accommodation of the South and Hamilton avenue Ferries, and the same, including the expensive pile foundations, cost \$73,500.

J. A. PERRY.

Sworn to before me, this 9th day of February, 1867.

FRANCIS DE PFUHL, Notary Public.

## CITY OF BROOKLYN, SS. :

James McFarlan, being sworn, says that he is and has, for about fifty years past, been engaged in business as an engineer; that he has been engaged in superintending the construction of steam engines and of steamboats; that he has been thus engaged on the Brooklyn ferries for about forty years; and has for the last three years been acting on said ferries as consulting engineer; that he was engaged on the South Ferry in 1837, 1838, and 1839, and had charge as chief engineer of the boats on that ferry; they were the *New-York*, the *Brooklyn*, and *Jamaica*. The South Ferry became united with the Union Ferry Company in May, 1839, and from that time to the present, except for a period of about two months, deponent has been the chief engineer of the Union Ferry Company; the Company has and uses on its five ferries sixteen large steam ferry-boats, of which thirteen are kept steadily running, and three are kept as relief boats, to be used as occasion may, from time to time, require, when any of the others may need repairs. These boats are all in good running order. The smallest is 500 tons, and the largest is 642 tons.

The smallest boats have cylinders of 38 inches diameter and eight feet stroke. The largest have cylinders of 40 inches diameter and ten feet stroke. The medium sized boats have cylinders of 38 inches diameter and nine feet stroke.

The smallest boat is 151 feet and one inch in length, and the largest 172 feet and seven inches.

The medium boats are about 163 feet in length.

One of the boats was built in 1853, one in 1854, two in 1859, three in 1860, five in 1862, three in 1863, and one in 1866.

The length, tonnage, and engines of the *Brooklyn* and *New-York*, of which I have spoken as being employed on the South Ferry (and which are not now owned by the Union Ferry Company) were as follows:

The length of the *Brooklyn* was 160 feet; her cylinder was 36 inches and 7 feet and a half stroke.

The length of boat and dimensions of cylinder of the *New-York* were the same.

The *Brooklyn* and *New-York* were each 304 tons.

The power of the smallest boat now owned by the Union Ferry Company is twenty per cent greater than either of said boats, the *Brooklyn* and *New-York*, and the larger boats are of sixty-five per cent greater power.

The present boats of the Company are stronger and better adapted to ferry purposes than the boats of 1836 and 1837, such as the said *Brooklyn* and *New-York*.

Every thing has been done, whenever a new boat has been built, to make it an improvement on those which had been previously built.

All the present boats are unusually strong by having on the water line



forty feet of solid timber back from each bow toward the middle of the vessel. This peculiar strengthening is made with special reference to forcing them into ice, and to render them as safe as possible in contact with the ice, and for the purpose generally of giving them all practicable strength and security.

In constructing them, every thing that the long experience of the ferries had suggested or taught, has been profited by and applied in building them to render them perfect. I have had unlimited authority from the Company as to expense in building them; and my instructions and authority from the Company have always been to have the boats and their engines built in the best possible manner; and I am not aware that any thing has been omitted which could conduce to that result.

During the thirty years that I have been connected with these ferries there has not been a solitary instance of the explosion of a boiler, or injury by steam to any passenger or other person on any of the boats.

On the Catharine and Fulton Ferries, it would be inexpedient to run longer boats than are now used on them, in consequence of the loss of time and difficulty of navigation across those ferries which would result from the narrowness of the river at those points. On the three lower ferries—the Wall, Atlantic, and Hamilton—there is no occasion or use for larger boats than are now used on them.

The *Roslyn* is one of our relief boats, and was used on one or more days during the recent ice flow. She is a strong, good boat; was built in 1860, and is perfectly sound.

JAMES MCFARLAN.

Sworn before me, this 9th day of February, 1867.

FRANCIS DE PFUHL,

Notary Public.

CITY OF BROOKLYN, SS.:

William H. Martin, being sworn, says: I am chief engineer of the Union Ferry Company, and have been so for three years. I have charge of the boats, machinery, and their repairs. I succeeded Mr. McFarlan. Have been connected with the ferries since 1845, and was assistant of Mr. McFarlan for about fifteen years.

The Company has a repair shop and yard at foot of Atlantic street; the yard is about 300 feet front on the river; it is all necessary for the purposes of the ferry. The carpenters' shop, machine shop, and blacksmiths' shop are all there. We have about 100 men employed there; all the repairs of the boats and their machinery are carried on there.

In consequence of the ice, this season, we have had a very unusual amount of work to do on the boats: two shafts were broken during the ice in forcing the boats through it; they were of wrought iron; we had to replace them; the wheels of the boats were constantly damaged by the ice, and we had as much as we could do to repair them; we have had,

in some cases, to work all night, and on Sundays, to make the repairs.

In 1857 we had seven boats disabled from ice in one day ; owing to the improvements of the wheels and the heavy iron rims thereon, we have sustained less damage this year than then.

We have tried various experiments in sheathing the bows, to prevent injury from ice.

Instead of exterior planking we tried galvanized iron, which was found not to answer on account of rust ; we have now put on them extremely heavy copper.

To guard against fire we make very careful arrangements. On every boat we have Worthington's powerful steam pump, capable of throwing five streams, each as large as the city fire engines throw. To these engines we have two lengths of hose of fifty feet, at all times attached—part on the upper and part on the lower deck. Then there are on each boat two extra lengths to be used when required. The boats, on account of the great power of these engines, are put in requisition frequently in case of fires on the docks or in ships.

In addition to this, we have a new arrangement, which we are about applying, which will drench the interior of the engine-room, or midship house, immediately on turning a valve, without the use of the hose.

The boats are all lighted with gas—no kerosene oil is used, even for lubricating the machinery, and as little whale oil is used as possible.

WILLIAM H. MARTIN.

Sworn to before me, this 9th day of February, 1867.

FRANCIS DE PFUHL,

Notary Public.

CITY OF BROOKLYN, ss. :

Amos Sanford, being sworn, says :

I am, and have been, in the employ of the Union Ferry Company for about six years, and for three years of that time have been a pilot ; I have been engaged on steamboats about ten years ; I was the pilot of, and in charge of, the *Roslyn* on the recent occasion of her detention by ice on the Wall street Ferry ; the tide at the time was strong flood ; the ice at that time of tide, and on that occasion, was very heavy and compact on the Brooklyn side of the river, and less so, and with a clear streak, near the New-York shore ; I left the foot of Wall street from three to half-past three, with a heavy load of passengers and carts ; I made repeated trials to force her through the ice, but, owing to its extreme thickness and quantity, was unable to do so ; I went back into the clear water, and moved about, waiting for a practicable place to work through ; no such place was found ; while I was thus occupied, a heavy field of ice was coming up on the flood, reaching from one side of the river to the other ; to avoid being caught and swept by it up the river, it became necessary for me to put back into the slip for shelter, which I did ; the *Republic*, having no load of consequence on board, was better able,



by her lightness, and by the tide being in her favor, to work her way across to the New-York side. It often happens that, by the position of the ice at the time, one boat may get the advantage and make a second trip, while one less favorably circumstanced, especially if heavily loaded with passengers, may miss a trip; the *Roslyn* is a good, strong, and serviceable boat, but our power was somewhat diminished at the time by being compelled to feed the boiler with salt water, the ice having prevented our getting to Brooklyn to fill our tank there with fresh water; the mixing of salt and fresh water caused the boiler to foam, the water thereby entering the cylinder with the steam reduced the power of the engine.

AMOS SANFORD.

Sworn to before me, this 9th day of February, 1867.

FRANCIS DE PFUHL,

Notary Public.

CITY OF BROOKLYN, ss.:

Luther Smith, being sworn, says:

I am the Superintendent of Pilots in the employment of the Union Ferry Company; I have been engaged on the ferries between New-York and Brooklyn for about fifteen years, and have been pilot and superintendent of pilots of said Company—as pilot for about nine years, and after that for nearly six years as such superintendent.

My duties are to see to the proper running of the boats on the different ferries of the Company, and to superintend the action of the pilots and hands on the boats; I go from ferry to ferry several times each day in the performance of my duties.

While I was acting as pilot on the South Ferry, I was familiar with, and acted as pilot of, the boats *Brooklyn* and *New-York* on that ferry; they were both inferior in power, structure, and strength to any one now held by the Union Ferry Company, and were less fitted to encounter ice than any of the latter.

During the recent flow of ice in the river, I had active and constant supervision and direction of the boats on the different ferries.

I can say with emphasis that they were run as rapidly, and as frequently, and forced through the ice as unsparingly and strongly as was practicable and consistent with the safety of the passengers; the boats did not lie in the slips a minute longer than their usual and regular time when it was practicable to run them out and across; it is of course absolutely necessary to have reference to the condition and quantity of the ice that may be passing, and it would be very improper to go out of the slip when the ice passing was of such quantity, compactness, or size that the boat could not be forced through it, and that the result would be that she would become locked in it and drifted far away from her landing-place.

On the occasion alluded to by one of the witnesses, when the *Roslyn*

was delayed on the New-York side, or in the river, the *Republic* was on the Brooklyn side, in the slip; she did not remain there at all waiting for the arrival of the *Roslyn*; I was at the Wall street Ferry, on the Brooklyn side, and gave directions for the *Republic* to go out on the first occasion when the condition of the passing ice rendered it practicable; she did so.

The slip was wedged full of ice, and it was impossible to get the boat up to the bridge without her going back some distance and making repeated buttings or blows against it; this is often the case during such an unusual flow of ice as we had this winter.

The boats on the different ferries are run regularly at fixed periods; on the Catharine Ferry, two boats run every ten minutes, from five o'clock in the morning in winter, and four o'clock in summer, until nine at night; after nine o'clock, a boat leaves every twenty minutes until midnight.

On the Fulton Ferry, four boats are run, beginning at four o'clock in the morning, in summer, and until half-past seven at night; they run as fast as they can be run, and leave as often as every five minutes; from half-past seven until one the next morning, two boats are run, leaving every ten minutes; from one A.M. until four A.M. two boats are run, leaving every fifteen minutes. When any occasion arises for their being run more frequently in the night, we increase the number of trips.

On the Wall street Ferry, we start, in summer, one boat at five A.M., and the second boat at ten minutes before six, and run two boats up to eight P.M., leaving every ten minutes.

From eight P.M. to eleven P.M., one boat leaves every twenty minutes.

There is so little passing on the Wall street Ferry after night-fall that, when the ice is very heavy, or in fogs, the trips are discontinued after nine, and sometimes, according to the exigency of the case, earlier.

On the Atlantic street Ferry, two boats begin at four A.M., and run every twelve minutes until ten P.M., then one runs every thirty minutes all night. This relates to the summer. In winter, two boats begin one at five and one at a quarter before six, and run as above until half-past nine P.M., and then one boat until a quarter past twelve.

On the Hamilton avenue Ferry, in summer, two boats begin at four A.M., and run every fifteen minutes up to seven A.M., then a third boat comes on, and they leave every ten minutes up to six P.M.; from six to ten P.M., two boats run every fifteen minutes, and one all night, from ten P.M., every thirty minutes, until four A.M.

In winter, when the ice prevails, and is very heavy, we in extreme cases have taken off one boat from this ferry. In the winter the second boat comes on at a quarter before six, instead of four A.M.

There are made on the five ferries, about twelve hundred and fifty crossings of the river daily.

There are twenty-nine pilots all the time in service on these ferries and three relief-pilots, who are occasionally at the wheel.

Our deck hands are selected with great care, in order that we may be able from among them to train competent and skillful pilots. We always take as deck hands only such men as have had experience as boatmen.

I do not think it possible to train, instruct, and provide pilots more effectually than is done on these ferries. The strictest care is taken to select only perfectly sober, judicious, and adroit men. The qualities necessary to constitute a capable pilot are by no means common, and many men who would make good sailors, or pilots for large river steamers, would be quite incompetent for handling ferry-boats on the cross tides and eddies, and among the sailing and steam vessels that crowd the East River. An intelligent man, who learns in the wheel-house from the experienced pilots, and by acting with them, will require from one to five years before we intrust him with the charge of a boat; and we do not appoint or accept as pilots more than one in twenty-five of those who thus practice with a view of becoming pilots.

The pilots now on these ferries are of the best class. I do not believe there are better in the world. Three of them have been pilots on these ferries three years each, one of them thirty years, three of them twelve years, four for fourteen years, two for eighteen years, one for twenty years. I have not the times of them all at this moment, but these occur to me, and the times are about—I think exactly—what I state—not less.

We have heretofore had occasion to receive some river pilots of much experience; but after trying them we found them quite incompetent for the peculiar duties of ferry navigation, and were obliged to discharge them.

The rules are rigid and are very rarely disobeyed, requiring strict decorum and propriety of deportment and language on the part of all the persons employed on board the boats.

The pilot is the captain, and has charge of each boat during her trip. Any advantage which could be derived from the use of longer or larger boats on the Catharine or Fulton Ferries would be more than counter-balanced by the loss of time which would result from the difficulty of navigating them in the narrow pass of the river at those ferries.

Any apprehension that the boats can not safely float and carry any number of passengers that go upon them is entirely groundless. The tonnage of the boats is so great that they can without difficulty carry more weight than that of all persons that can stand upon their decks and cabins.

The ice this winter has been of very unusual quantity, and has been more spongy and snowy than usual. It would crack less readily than the ice we ordinarily encounter. Often, for successive years, there will be no hinderance or inconvenience from ice, the quantity is so small.



The inconvenience from ice this year was all within about one week. We had no serious inconvenience from it before since 1857. Sometimes for a day or two it would bother us.

All the serious trouble from ice is on the flood tide. We can always go through it on the ebb. It is so broken up when it flows out on the ebb that we can put the boats through it comparatively easily.

We have an arrangement by which immediate relief could be secured in case of any accident requiring the presence or aid of another boat. There is suspended near the pilot-house of each boat a large triangle of steel, with an iron bar at hand. By striking this bar on the triangle a peculiar sound is produced, so loud that it can be heard at a long distance. The orders to each pilot are that whenever any triangle is sounded, every boat shall go instantly to the relief of the one giving the signal.

It is hardly possible that any accident could happen to any boat either from collision, ice, fire, or other cause endangering the passengers, that almost instantaneous relief would not be at hand from one or more boats, sufficient to take off all the passengers before any loss of life could occur. Such relief, it is believed, would be a safer and surer reliance than could be derived from any quantity of "life-preservers" or small boats. Of the numerous boats of the Company which are at all times on their transit across the river, it is wholly improbable that there would not be some so near the boat requiring aid as to reach her in a very few minutes.

Life boats and life-preservers are now and always have been provided on board the boats.

The character of the boats of this Company is further shown by the fact that, during the rebellion, the Government of the United States called on the Company to surrender seven of them to the public service; that they were taken by the Government, which placed heavy batteries on board of them; and that they proved valuable and efficient war vessels; that since the end of the rebellion the Company has repurchased two of them from the Government, (the *Somerset* and the *Clinton*;) and that the same are now running on the Fulton Ferry. "In place of the others taken by the Government, the Company built new boats, which they now use on the ferries.

LUTHER SMITH.

Sworn to before me, this 9th day of February, 1867.

FRANCIS DE PFUHL,

Notary Public.

CITY AND COUNTY OF NEW-YORK, ss. :

Luther Smith being sworn, says: that in reading over the affidavit made by him on Saturday, the 9th day of February instant, he perceived that, through inadvertence, he omitted to state therein the following facts, namely:

On the Fulton Ferry, in the early part of the winter, when the wag-  
ons and other morning passengers do not come as early as in the sum-  
mer and fall, we commence running the first of our morning day boats  
at half-past four instead of four A.M., and, as the winter advances, the  
time of such first day boats is advanced from time to time until six and  
half-past six A.M. Whenever the first boats thus commence to run, the  
trips thenceforth of all four of the boats are constant, as stated in my  
previous affidavit.

When we thus commence the trips of the day boats at half-past four  
to half-past six as aforesaid, we at the same time increase the frequency  
of the night boats from every fifteen minutes to every ten minutes be-  
tween 4 A.M., and the time when the day boats so begin.

On the Wall street Ferry we commence running in winter at 6 A.M.  
instead of 5 A.M.

The average of passengers on the Wall street Ferry between the  
hours of 9 and 11 P.M., the year through, is, as deponent learns from  
the ferrymasters on that ferry, only about twelve each way.

Deponent further says that, in stating in his former affidavit that he  
gave directions for the *Republic* to make her trip as therein mentioned,  
he should have added that she would, under the standing rules of the  
Company, have done so had he not been present.

LUTHER SMITH.

Sworn to before me, this 11th day of February, 1867.

H. S. ANDERSON,

Notary Public.



## APPENDIX.

"THE Ferry" was established at a very early date. It is alluded to as "the ferry" in the colonial records in 1659, and repeatedly afterward by the same designation. From the earliest settlement, and for many years afterward, it was from the present landing, on the Brooklyn side at *Fulton Ferry*, to the nearest point in New-York, which was the present *Peck Slip*. The road ran thence along the East River shore on the present line of Pearl Street as far as Hanover Square, and thence on the present line of *Stone Street* to the FORT, which stood on the south side of the present *Bowling Green*.\*

The City of New-York appears to have depended largely for its support on its receipts from "the Ferry."

In 1707, *Cornelius Seberingh*, whose farm bounded on the Brooklyn shore south of Fulton Street, sought leave to establish another Ferry; and, seconded by others of the inhabitants, made application therefor to Lord Cornbury, to whom he presented the following petition :

### PETITION FOR AN ADDITIONAL FERRY BETWEEN N. Y. & LONG ISLAND.

To his Excellency EDWARD VISCOUNT CORNBURY Cap<sup>n</sup> Gen<sup>l</sup> and Gov<sup>r</sup> in cheif of her Maties Provinces of New York & New Jersey and the Territories depending thereon in America and Vice Admirall of the same &c.

The Petition of CORNELIUS SEBERING of Kings County on the Island of Nassauw

SHEWETH

That yo<sup>r</sup> Peticon<sup>r</sup> is Seized & stands Possesd of a certain farm on the Island of Nassauw directly over against the center of the City of New York, being a most fit & convenient place for being a ferry to & from the said City for the transporting of Passengers goods Wares Merchandises Cattle Corn and other comodities to the great ease & benefit of many of the Inhabitants of the said City and Island considering the scituacon as aforesaid & can be of no hurt or dammage to the old ferry it being not so convenient for that ferry to send their boats to the South end and Center of the City where he proposes to send his.

Yo<sup>r</sup> Pet<sup>r</sup> therefore humbly prays Yo<sup>r</sup> Excys to grant to your Pet<sup>r</sup> her Maties Letters Pattents under the great Seal of this Province for Establishing of a ferry over the East River or Sound to be limited on the Island of Nassauw on the One Side by the old ferry and on the other

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\* Valentine's Hist. N. Y., 31.

side by the Red hook & on the side of New York between the Slip at Cap<sup>n</sup> Theobalds unto the great Bridge for the loading & landing of all persons goods wares & merchandises except Cattle to be landed at or near the slaughter howses (nevertheless not excluding the old ferry boat rom the places aforesaid) under such regulations & such prises for Transportacon & small Quit rent or acknowledgment as to yo<sup>r</sup> Excellency shall seem met.

And yo<sup>r</sup> Pet<sup>r</sup> shall ever Pray

CORNELIS SEBERINGH.

New York 23<sup>d</sup> Jan<sup>ry</sup> 170<sup>7</sup>.

We underwritten do believe and are assured that such a ferry would be of a considerable advantage to the City & County if the Prises for Transportacon be not Excessive.

Abrah : Gouverneur

Leonard Lewis

Leendert huygen de Kleyn

Joh : Tiebout

Henry Swift

John Van Brugh

Martin Clock

Andrew Grevenraet

R. Walter

Johannes hooglandt

Chrestopher Beekman

hendrick vander heul

Evert Duyckinck

G. Duyckinck

Rutgurt Waldron

Abr : Santford

Benjamin Faneuil

Jean Cazalez

John Auboyneaux

Johannes Burger

Daniel Polhemus

Engel bardt Lott

John Ditmars

Yacob houderte

Fred'rick Symonse

Jacobes Oukes

Philip Nagel

Jurre Colyer

Abraham Brouwer

Johannis Polhemius

Cornelis Coljer

Daniel Remsen

Auke Leffertsen

benyamin andrews

Laminert

Claes Blom

Cornelis Vander hoeve

Pieter Gerbrantse

Jacob Fardon

Benjamin D'harriette

This application of Seberingh was earnestly resisted by the corporate authorities of New-York as a violation of their privileges, and especially on the ground that their receipts from "the Ferry" were "the only considerable Income left to support the publick buildings Bridges Goals Landing places fire and Candle for their Watches, Sallaryes of their officers Bell men, &c ; and to defray the other publick and nessary Charges of the Said City," and they presented the following Remonstrance :

REMONSTRANCE OF THE CORPORATION OF NEW YORK AGAINST THE PRECEDING.

To His Excellency EDWARD Viscount CORNBURY Capt<sup>l</sup> General & Governour in Chief of her Majestys Province of New York &c: and Territories depending thereon in America and Vice Admiral of the Same &c: The humble Petition of the Mayor Aldermen & Commonality of her Majestys City and Corporation of New York

MOST HUMBLY SHEWETH

That the Inhabitants of the said City and Corporation for Seaventy years past have peaceably and quietly Posses'd and Enjoy'd Several

Rights Liberties Priviledges Franchises Free Customs Preheminencys Advantages Jurisdictions Emoluments and Immunities Granted and Confirmed unto them by her Majestys Royal Ancestors and the divers Governours Authorized & Commissionsed by them as well as by the several Governours Directors and Commanders in Chief of the Nether Dutch nation whilst the same was under their power and Subjection to the great increase of her Majestys Revenue and the Sencible Growth and Advancement of her Majesty's said City and Province and Among the Rest that of the Ferry between the Said City and Nassaw Island (formerly Called long Island) and that the loading and landing place of the said Ferry from this City on Nassaw Island hath been Commonly Esteemed & Reputed for seaventy years past to Extend from a heap of Rock Stones Gathered together on A small wharfe or Landing Bridge near the ferry house on the Said Island unto the West End of the Kill to the Westward of the same and that from high water to low water marke for the Accommodation of all Passengers and Travellers to and from this City as well as for the loading and unloading of wheat and other Provisions which are accustomed to be there loaded in the ferry boats for the Subsistence of the Inhabitants of this City at all times of Tide, which said Ferry (at the great Charge and Expence of the Inhabitants of the said City and Corporation by their Erecting Several Publick buildings for the service thereof) is rendred very Commodious to all Persons passing the same at Very Easy and Moderate Rates and is duely and Regularly kept and attended with able men Boats and Scows and without the least Complaint of Omission or neglect by any persons whatsoever, *the Profitts whereof have always been appropriated by this Corporation for the publick service of the Government of the said City and is the only considerable Income left to support the publick buildings Bridges Goals Landing places fire and Candle for their Watches, Sallaryes of their officers Bellmen &c ; and to defray the other publick and necessary Charges of the Said City,* and was Granted unto the Inhabitants of the Said City under the Seal of this Province in the year 1686 and Confirmed unto them by an Act of General Assembly Entitled an act for the Settling Quietting and Confirming unto the Citys Towns Mannors and Freeholders within this Province their several Grants Patents and Rights Respectively.

That your Excellencys Petitioners by your Lordships benign favour and goodness understanding that one Cornelius Sebring for his own private Lucre and gain is soliciting your Lordship for her Majestys Grant of another Ferry from Nassaw Island to this City and of most of the Landing places now belonging to this City designing thereby to make Considerable Improvements to Ruine and destroy the present ferry *the Chief Income and Support of this Corporation* for the Prevention whereof your Excellencys Petitioners most humbly Supplicate that your Lordship will be favourably pleased to take the Premisses into your Prudent Consideration and for the reasons afore-said (tho many more may be offered to long here to incert) to Reject the unreasonable and unjust Petition of the said Cornelius Sebring, wee haveing an Intire Confidence of your Excellencys Justice and goodness that as you have hitherto Protected us in our Just Rights and Priviledges (for which wee Return your Lordship our most dutifull and Gratefull Acknowledgm. So your Lordship will Continue to Countenance and Protect us in the same and that you will Ever prefer the publick welfare of so Loyall and Considerable a People as this Corporation are before the Interest and unjust pretence of a Private Person.



And your Excellencies Petitioners as in duty bound shall ever pray &c.

Febb 5, 1707.

EBENEZER WILLSON.

John Hendrick brevoort  
T: Van Zandt  
Christo Denne  
Glfert Svoerts  
Paul Droilhet  
Petrus Bayard

Rich Willett  
E: Blagge  
Walter Thong  
John Tudor  
D: Provoost  
J D'Riemer  
W<sup>m</sup> Smith

The authority prayed for by Seberingh to establish a new ferry was hereupon refused.

The income of New-York was diminished by the practice of the inhabitants, who, to some extent, instead of passing upon "the Ferry" and paying toll, crossed and recrossed at other points. The City sought to prevent this practice by obtaining title and control of the whole Brooklyn shore between high and low water mark from Wallabout Bay to Red Hook point, the title to which was in the Crown, and for that purpose, in April, 1708, presented to Lord Cornbury the following petition:

PETITION OF THE CORPORATION OF N. Y., FOR AN ENLARGEMENT OF THE BOUNDS OF THEIR FERRY ON L: ISLAND.

To His Excellency EDWARD VISCOUNT CORNBURY Cap<sup>t</sup> General and Governor in Chief of the Province of New York &c: and Territories depending thereon in America and Vice Admiral of the Same &c:

The Humble Petition of the Mayor Aldermen and Commonality of the City of New York

MOST HUMBLY SHEWETH

That the Petitioners having a Right and Interest in the Ferry from this City to Nassaw Island and from the said Island to this City again and to all the Profitts and Advantages thereof, Perceive it to fall much short of what they might reasonably Expect from the same if the bounds & Limitts of the said Ferry were Something Extended on the said Island side *whereby to hinder and prevent that priviledge and Liberty which divers persons now take of Transporting themselves and goods to and from the said Island of Nassaw oer the Said River without Coming to or Landing at the usual and accustomed places where the said ferry Boats are kept and Appointed to the great loss and damage of the Petitioners* (the profitts thereof being wholly appropriated for the publick service and Government of the said City) and itt being obvious to your Petitioners that some private persons for their own Lucre and gain have solicited Your Excellency for another ferry on the said Island fronting to this City which if Granted would be of great damage to this Corporation and all the Inhabitants thereof as the Petitioners humbly conceive would in time not only prove Injurious to the Trade and Commerce of this City but also be a means to lessen the Income of her Majestys Revenue Established upon Trade to the General decay of the Province (*the Improvement thereof employed now*

*in Traffique being scarcely able to maintain the Inhabitants Now in this City whose livelyhood does only rely thereon)*

Your Excellencys Petitioners therefore most humbly pray that your Lordship will be favourably pleased to take the premises into your prudent Consideration and order her Majestys Grant unto the Petitioners and their Successors for all the Vacant and unappropriated Ground on Nassaw Island from High water to Low water marke fronting unto this City from the place Called the Wallabout unto the Red hooke against Nutten Island\* for the better Improvement and accommodation of the Said ferry; and also that your Excellency would be further pleased to order unto the Petitioners & their Successors her Majestys Grant of Confirmation for the said ferry on both sides of the said River with power to Establish one or more ferrys if there shall be occasion and to make by-Laws for the more orderly Regulation thereof at such Reasonable Rates and under such Moderate quitt Rent as your Lordship in your great prudence shall see meet. And your Excellencies Petitioners as in duty bound shall ever pray &c

W<sup>m</sup> Smith  
Christo: Denne  
John hendr breevoort  
Paul Droilhet  
Olfert Svoerts

EBENEZER WILLSON  
John Tudor  
D Provoost  
Rich Willett  
J D: Riemer  
E. Blagge

This petition was granted, and the following indorsement was made thereon:

*"April 8<sup>th</sup> 1708 Read and granted & a Warr<sup>t</sup> to be prepared  
"for the Attorney Gen<sup>l</sup>" to draw a Patt."*

Thereupon the Cornbury Charter (sometimes called "Queen Anne's Charter") was granted to the City of New-York. It commences thus:

"Anne, by the Grace of God, of England, Scotland, France & Ireland, queen, defender of the faith, &c.: To all whom these presents may in any wise concern, sendeth greeting:

"Whereas the Mayor Aldermen & Commonalty of the City of New York by their petition to our right trusty & well beloved cousin Edward Viscount Cornbury, our Captain General & Governor in Chief in & over our province of New York and territories depending thereon in America, and Vice Admiral of the same, &c., preferred in council; therein setting forth, that they have a right and interest, under divers ancient charters & grants by divers former governors & commanders in chief of our said province of New York, under our noble progenitors, in a certain ferry from the said City of New York, over the East River to Nassau Island (alias Long Island) and from the s<sup>d</sup> island to the s<sup>d</sup> city again, & have possessed the same, and recd all the profits, benefits & advantages thereof, for the space of fifty years and upwards; and perceiving the profits, advantages & benefits usually issuing out of the same to diminish, decrease, and fall short of what might be reasonably made of

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\* Governor's Island.



the same, for the want of the bounds and limits to be extended and enlarged on the said Island side, whereby to prevent divers persons from transporting themselves & goods to & from the said Island Nassau (alias Long Island) over the said river, without coming or landing at the usual & accustomed places, where the ferry boats are usually kept and appointed, to the great loss & damage to the said City of New York; have humbly prayed our grant and confirmation, under the great seal of our said province of New York, of the said ferry, called the Old Ferry, on both sides of the East River,

\* \* \* \* \*

and also of all the vacant & unappropriated land, from high water mark to low water mark on the said Nassau Island (alias Long Island) lying contiguous & fronting the said City of New York, from a certain place called the Wall-about unto the Red Hook, over against Nutten Island for the better improvement and accommodation of the said ferry, with full power, leave, & license to set up, establish, maintain & keep one or more ferry or ferries, for the ease & accommodation of all passengers & travellers for the transportation of themselves, goods, horses & cattle over the said river, within the bounds aforesaid, as they shall see meet convenient & occasion require.

\* \* \* \* \*

“The which petition we being minded to grant—*Know ye* that of our especial grace, certain knowledge & meer motion we have given, granted, ratified and confirmed, etc.”

(The grant is then made confirming the title of the City to the ferry, and grants the strip asked for, between high and low water, as follows:)

“And also all that the aforesaid vacant and unappropriated ground lying & being on the said Nassau Island (alias Long Island) from high water mark, to low water mark aforesaid, contiguous & fronting the said City of New-York, from the aforesaid place called the Wall-about, to Red Hook aforesaid; *That is to say*, from the east side of the Wall-about opposite the now dwelling-house of James Bobine, to the west side of the Red Hook, commonly called the fishing-place.

\* \* \* \* \*

(Power is then granted to the City to establish other ferries within the above limits, and to establish ordinances, etc., respecting the same.)

*Witness* our right trusty & well-beloved cousin Edward Viscount Cornbury, Captain General & Governor-in-Chief in & over our province of New York aforesaid, & territories thereon depending in America, & Vice Admiral of the same, etc., in council at our fort in New York the 19th day of April, in the seventh year of our reign, Annoque Domini 1708.

This is the history of the title of the City of New-York to the strip of land between high and low water, on the Brooklyn shore, between the Wall-about and Buttermilk Channel.

The City of New-York has, by various subsequent deeds, conveyed to the several riparian owners, such portions of this strip between high and low water, as lie in front of their respective lands.













